



United States Courts for the Ninth Circuit

# Public Information Office

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## NEWS RELEASE

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## **Ninth Circuit Court of Appeals to Hear Oral Arguments in Hawaii**

HONOLULU – Judges of the Ninth Circuit Court of Appeals will hear oral arguments May 9-13 at the U.S. District Court for District of Hawaii, 1132 Bishop St., Honolulu. Arguments will be heard in the Sixth Floor Courtroom, beginning at 9 a.m. each day.

Cases set for argument May 9 will be heard by a panel consisting of Circuit Judges Alex Kozinski and Carlos T. Bea and Senior Circuit Judge Dorothy W. Nelson. Cases to be heard May 10 and 12 will be heard by Judges Nelson and Kozinski joined by Circuit Judge Consuelo M. Callahan. Cases set for May 11 will be heard by Judges Nelson, Callahan and Bea, while cases on May 13 will be heard by Judges Kozinski, Bea and Callahan.

The panels will be hearing more than two dozen appeals of agency decisions and lower court rulings from the federal district courts for Hawaii, Guam and the Northern Mariana Islands.

Cases on the docket include:

- *U.S. v. Gonzalez-Contreras*, in which Alfonso Gonzalez-Contreras appeals his jury conviction and sentence for conspiracy to import and to distribute crystal methamphetamine and importation of methamphetamine, and Alfonso and Leanne Fern Contreras appeal their jury convictions and sentences for use of an interstate facility in aid of racketeering and conspiracy to commit money laundering. Case 03-10521 and 03-10541.
- *U.S. v. Montgomery*, in which Bert Douglas Montgomery appeals his jury conviction and sentence for conspiracy, wire fraud, and money laundering, and Tomas B. Aldan appeals his jury conviction and sentence for conspiracy and wire fraud. The charges arose out of Montgomery and Aldan's scheme to fraudulently obtain control of the Bank of Saipan and to enrich themselves and others through a series of fraudulent transactions. Case 04-10024 and 04-10026.

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- *U.S. v. Jose*, in which Roberto Miguel and Bryson Jose appeal from the district court's denial of their motion to bar re-trial of their criminal counts on the basis of double jeopardy. In the prior appeal, this court reversed and vacated defendants' felony murder and use of firearm in a crime of violence convictions and remanded for further proceedings. Defendants contend that to retry them on these charges after their convictions for attempted robbery and burglary had become final, would violate the double jeopardy clause. Case 04-10202.
- *Wang v. Ashcroft*, in which Chunfu Wang, a native and citizen of China, petitions for review of the decision of the Board of Immigration Appeals ("BIA") dismissing his appeal from an immigration judge's denial of his requests for asylum, withholding of removal and for protection under the Torture Convention. Case 04-70468.
- *U.S. v. Ninete*, in which John B. Ninete appeals his jury trial conviction and the sentence imposed for conspiracy to receive bribes by agents of an organization receiving federal funds, conspiracy to traffic in counterfeit merchandise, receiving bribes by agents of an organization receiving federal funds, and trafficking in counterfeit merchandise (18 U.S.C. §§ 2 & 2320). Ninete had been employed by the Guam Customs Agency and was alleged to have entered the conspiracy during his employment. Case 04-10309.
- *Flowers v. Secretary of the Treasury*, in which Marshall Kenneth Flowers appeals the district court's dismissal of his complaint against the Secretary of the Treasury, the Bureau of Public Debt, the Department of the Navy, the Dept of the Army, and his two daughters. Flowers claimed the government violated its regulations by not replacing and reissuing in his name certain U.S. savings bonds, which were registered in the names of his daughters, but which he possessed until they were stolen by an unknown person. Case 03-16247.

A complete schedule of cases to be heard by the court is available online by accessing the link "Hearing Notice Updates" at <http://www.ca9.uscourts.gov>.

The Ninth Circuit Court of Appeals regularly hears cases in San Francisco, Pasadena and Seattle, and also travels periodically to other cities within the circuit to hold court.

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